

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

\* \* \*

Michael McNeil,

Plaintiff,

v.

Dave Molnar, et al.,

Defendants.

Case No. 2:18-cv-01594-RFB-BNW

**Order re [27]**

Plaintiff Michael McNeil moves the Court to attempt service upon defendants David Molnar and Quentin Byrne. ECF No. 27. McNeil proceeds in forma pauperis ("IFP"), which means he is entitled to the Court's aid in issuing and serving all process. Therefore, his motion will be granted.

**I. Background**

McNeil initiated this matter with a complaint under 42 U.S.C. § 1983 and an accompanying application to proceed IFP. ECF No. 1. The district judge screened McNeil's complaint and found that he stated cognizable claims against several defendants, including Molnar and Byrne. ECF No. 12 at 9. The Court has since granted McNeil's IFP application. ECF No. 9.

Following an unsuccessful early mediation between McNeil and Nevada's Office of the Attorney General, ECF No. 21, the Attorney General declined to accept service on behalf of defendants Molnar and Byrne because they are *former* employees of the Nevada Department of Corrections ("NDOC"), ECF No. 24. Instead of accepting service on their behalf, the Attorney

1 General filed Molnar and Byrne's addresses under seal at ECF No. 25. McNeil's motion  
2 followed. ECF No. 27.

## 3 **II. Discussion**

4 When a party proceeds IFP the Court "shall issue and serve all process." 28 U.S.C.  
5 § 1915(d); *Puett v. Blandford*, 912 F.2d 270, 273 (9th Cir. 1990) ("a party proceeding in forma  
6 pauperis is entitled to have the summons and complaint served by the U.S. Marshal.").<sup>1</sup> Here,  
7 McNeil proceeds IFP and he is therefore entitled to the Court's aid. Accordingly, the Court will  
8 issue summonses for Molnar and Byrne and direct the U.S. Marshal to attempt service upon them  
9 using their last-known address under seal at ECF No. 25.

## 10 **III. Conclusion**

11 IT IS THEREFORE ORDERED that McNeil's motion requesting service (ECF No. 27) is  
12 GRANTED.

13 IT IS FURTHER ORDERED that the Clerk of Court shall issue summonses, under seal, for  
14 defendants David Molnar and Quentin Byrne using the addresses under seal at ECF No. 25.

15 IT IS FURTHER ORDERED that the Clerk of Court shall send McNeil two blank copies  
16 of form USM-285.

17 IT IS FURTHER ORDERED that McNeil shall have twenty days in which to send the U.S.  
18 Marshals Service the required USM-285 forms. The U.S. Marshals Service can be reached by mail  
19 at the following address: 333 South Las Vegas Boulevard, Suite 2058, Las Vegas, Nevada 89101.  
20 On the forms, McNeil **must leave blank** the defendants' last-known addresses. The U.S. Marshals  
21 Service will acquire those addresses from the Attorney General's sealed filing at ECF No. 25.

22 IT IS FURTHER ORDERED that the Clerk of Court shall serve a copy of this order, the  
23 sealed and issued summonses, and the operative complaint (ECF No. 13) on the U.S. Marshals  
24 Service.

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27 <sup>1</sup> Section 1915(d) dovetails with Rule 4, which provides that upon the request of a plaintiff authorized to  
28 proceed in forma pauperis, the Court "must" order "that service be made by a United States marshal or deputy or by a  
person specifically appointed by the court." FED. R. CIV. P. 4(c)(3).

1 IT IS FURTHER ORDERED that upon receipt of the USM-285 forms, the U.S. Marshal  
2 shall, in accordance with Federal Rule of Civil Procedure 4(c)(3), attempt service on defendants  
3 David Molnar and Quentin Byrne at their last-known addresses, which are filed under seal at ECF  
4 No. 25.

5 IT IS SO ORDERED.

6 DATED: April 20, 2021.

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BRENDA WEKSLER  
UNITED STATES MAGISTRATE JUDGE  
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